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VIA: Electronic Submission  
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For Petitioner California Sportfishing Protection Alliance

**BEFORE THE STATE WATER RESOURCES CONTROL BOARD**

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**In the Matter of Waste Discharge Requirements For** )  
**Cutler-Orosi Joint Powers Wastewater Authority,** ) **PETITION FOR REVIEW**  
**Wastewater Treatment Facility, Tulare County,** )  
**California Regional Water Quality Control Board –** )  
**Central Valley Region Order No. R5-2006-????;** )  
**NPDES No. CA0081485** )  
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Pursuant to Section 13320 of California Water Code and Section 2050 of Title 23 of the California Code of Regulations (CCR), California Sportfishing Protection Alliance (“CSPA” or “petitioner”) petitions the State Water Resources Control Board (State Board) to review and vacate the final decision of the California Regional Water Quality Control Board for the Central Valley Region (“Regional Board”) in adopting Waste Discharge Requirements (NPDES No. CA0081485) Cutler-Orosi Joint Powers Authority, Wastewater Treatment Facility, Tulare County, on 21 September 2006. *See* Order No. R5-2006-???. The issues raised in this petition were raised in timely written comments and direct testimony.

1. NAME AND ADDRESS OF THE PETITIONERS:

California Sportfishing Protection Alliance  
3536 Rainier Avenue  
Stockton, California 95204  
Attention: Bill Jennings, Executive Director

2. THE SPECIFIC ACTION OR INACTION OF THE REGIONAL BOARD WHICH THE STATE BOARD IS REQUESTED TO REVIEW AND A COPY OF ANY ORDER OR RESOLUTION OF THE REGIONAL BOARD WHICH IS REFERRED TO IN THE PETITION:

Petitioner seeks review of Order No. R5-2006-????, Waste Discharge Requirements (NPDES No. CA0081485) for Cutler-Orosi Joint Powers Authority, Wastewater Treatment Facility, Tulare County. CSPA has not received copies of the adopted order and, as of 21 October 2006, the adopted Order had not been posted on the Regional Board's Adopted Orders web page. Consequently, CSPA is unable to provide the specific Order number or a copy of the adopted Order.

3. THE DATE ON WHICH THE REGIONAL BOARD ACTED OR REFUSED TO ACT OR ON WHICH THE REGIONAL BOARD WAS REQUESTED TO ACT:

21 September 2006

4. A FULL AND COMPLETE STATEMENT OF THE REASONS THE ACTION OR FAILURE TO ACT WAS INAPPROPRIATE OR IMPROPER:

CSPA submitted detailed comments on 28 August 2006. That letter, which is incorporated into this petition, and the following comments set forth in detail the reasons and points and authorities why CSPA believes the Order fails to comport with statutory and regulatory requirements. CSPA also presented detailed oral comments during the 21 September 2006 hearing. Although requested, CSPA only received copies of the public hearing tapes on 19 October 2006 and has not had adequate time to review them but believes its verbal comments further support this petition.

A copy of the final Order has not been provided, as of the submission of this petition. Numerous changes were inserted as late revisions immediately prior to and during the hearing. Our petition reflects our understanding of a very confusing Permit. Consequently, CSPA reserves the right to modify this Petition after we have been afforded an opportunity to review the final Order.

The specific reasons the adopted Order is improper are:

**A. The Order is illegal because the Discharger failed to submit a legally supportable Report of Waste Discharge or adequately characterize effluent and receiving waters.**

The Fact Sheet states, “Letters sent by the Regional Board to the Discharger dated 27 February 2001, 8 May 2001 and 27 February 2002 required the Discharger to submit at least two days of effluent and receiving water data on priority pollutants. The Discharger submitted no priority pollutant data for the receiving water and only one day of sampling data for the effluent. The RPA in this Order is based on effluent data collected by the Discharger on 26 April 2002. These are the same data reported in the most recent Report of Waste Discharge. Consequently, the RPA is only for priority pollutants for which effluent data were provided, and should be considered preliminary.” Fact Sheet, p. 13. In other words, the Discharger not only failed to adequately characterize its effluent, as required by the regulations, it essentially blew-off the Regional Board’s explicit direction to collect adequate effluent and receiving water data. Federal Regulation, 40 CFR 122.21(e) states in part that: “The Director shall not issue a permit before receiving a complete application for a permit except for NPDES general permits. An application for a permit is complete when the Director receives an application form and any supplemental information, which are completed to his or her satisfaction. The completeness of any application for a permit shall be judged independently of the status of any other permit application or permit for the same facility or activity.” The California Toxics Rule (CTR)(40 CFR 131, Water Quality Standards) contains water quality standards applicable to this wastewater discharge. The State’s *Policy for Implementation of Toxics standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (SIP), Section 1.2, requires wastewater dischargers to provide all data and other information requested by the Regional Board before the issuance, reissuance, or modification of a permit to the extent feasible. The Discharger failed to submit a legally supportable characterization of the wastewater discharge and receiving water in terms of priority pollutants. There is no information in the Order fact sheet that adequately discusses a reasonable potential analysis that comports with Federal Regulation 40 CFR 122.44. For example, there is no discussion of the hardness value employed to arrive at the governing water quality objective/criteria. The application for permit renewal is incomplete and in accordance with 40 CFR 122.21(e) the Regional Board should not have issued the Order.

**B. The Order is critically flawed since the Regional Board did not require the Discharger to adequately characterize the discharge until after the final CTR compliance date.**

Order Findings No. 58 through 61 discuss the California Toxics Rule (CTR) and the National Toxics Rule (NTR) and the State Water Resources Control Board’s implementation plan (SIP) for the NTR and the CTR. Despite repeated California Water Code Section 13267 Orders requiring the Discharger adequately characterize their wastewater discharge for CTR and NTR constituents, in accordance with the SIP, the Discharger collected a single sample for priority pollutants on 26 April

2002. The Regional Board apparently has taken no enforcement, but instead is rewarding the Discharger with extended sampling schedules and a Order which is very likely not protective of water quality. The Discharger has failed to comply with SIP Section 2.4. The CTR final compliance date is May 2010. The Order requires adequate characterization of the wastewater discharge (Provision No. 13) between six months to one-year prior to expiration of the Permit, or September 2010 to February 2011. Clearly the Regional Board has no intention of requiring this discharger to comply with CTR and NTR water quality standards in a timely manner if an adequate characterization of the discharge is not required until a year after the final CTR compliance date.

**C. The Discharger does not provide BPTC and the Order therefore does not comply with the Antidegradation Policy.**

The Order, Findings No. 63 and 64, state that the discharger provides BPTC and the Order is consistent with the Antidegradation Policy. The Federal Antidegradation regulations are not discussed in the Order. The Discharger does not provide BPTC for the following reasons: As stated above, the Discharger has failed to comply with SIP Section 2.4, which requires adequate sampling to characterize the wastewater discharge. The Regional Board's statements, in Finding No. 64, that the Discharger provides BPTC without confirmation sampling to determine compliance with the CTR and NTR is without merit or technical justification. Since it cannot be determined by reading the Permit whether a flow rate increase is being allowed, a full Antidegradation analysis may be required. Finding No. 7 states in part, "On 23 October 2003, Regional Board staff inspected the WWTF and observed three years of accumulated sludge stored on-site pending selection of an appropriate disposal site. The Discharger's Sludge Management Plan, written in 1982, does not reflect current practices, and needs to be updated." The Order does not indicate when or if the Discharger has properly disposed of the accumulated sludge. The Discharger's sludge storage/disposal practices violates biosolids management regulations specified in 40 CFR 503 and is a waste management unit which does not meet the prescriptive standards specified in Title 27, i.e. unlined sludge lagoons. The Discharger failed to update and comply with their Sludge Management Plan is not BPTC. The Discharger discharges sludge to 16 acres of unlined ponds for disposal. Most wastewater treatment systems in the valley mechanically dewater sludge, or discharge to lined ponds for dewatering, and remove sludge to a landfill for proper disposal. Consequently, BPTC has been established by the industry. The Discharger does not provide BPTC. Further, the Dischargers practice of discharging sludge to unlined ponds for disposal has degraded groundwater quality (Finding No. 43) and is therefore not BPTC. Additionally, Permit Finding No. 44 states that: "Certain aspects of the WWTF described in Finding No. 4 do not reflect BPTC." Since numerous wastewater treatment systems in the valley provide tertiary treatment, BPTC has been established by the industry and Discharger does not provide BPTC. Since numerous wastewater treatment systems in the valley provide nitrification and denitrification, BPTC has been established by the industry and Discharger does not provide BPTC. The Order fails to undertake a rigorous antidegradation analysis for a "major" discharger. Section 101(a) of the Clean Water Act, the basis for the antidegradation policy, states that the objective of the Act is to "restore and maintain the chemical, biological and physical integrity of the nation's

waters.” Section 303(d)(4) of the Act carries this further, referring explicitly to the need for states to satisfy the antidegradation regulations at 40 CFR § 131.12 before taking action to lower water quality. These regulations describe the federal antidegradation policy and dictate that states must adopt both a policy at least as stringent as the federal policy as well as implementing procedures. (40 CFR § 131.12(a).)

California’s antidegradation policy is composed of both the federal antidegradation policy and the State Board’s Resolution 68-16. (State Water Resources Control Board, Water Quality Order 86-17, p. 20 (1986) (“Order 86-17”); Memorandum from William Attwater, SWRCB to Regional Board Executive Officers, “federal Antidegradation Policy,” pp. 2, 18 (Oct. 7, 1987) (“State Antidegradation Guidance”).) As part of the state policy for water quality control, the antidegradation policy is binding on all of the Regional Boards. (Water Quality Order 86-17, pp. 17-18.) Implementation of the state’s antidegradation policy is guided by the State Antidegradation Guidance, SWRCB Administrative Procedures Update 90-004, 2 July 1990 (“APU 90-004”) and USEPA Region IX, “Guidance on Implementing the Antidegradation Provisions of 40 CFR 131.12” (3 June 1987) (“Region IX Guidance”), as well as Water Quality Order 86-17.

The Regional Board must apply the antidegradation policy whenever it takes an action that will lower water quality. (State Antidegradation Guidance, pp. 3, 5, 18, and Region IX Guidance, p. 1.) Application of the policy does not depend on whether the action will actually impair beneficial uses. (State Antidegradation Guidance, p. 6. Actions that trigger use of the antidegradation policy include issuance, re-issuance, and modification of NPDES and Section 404 permits and waste discharge requirements, waiver of waste discharge requirements, issuance of variances, relocation of discharges, issuance of cleanup and abatement orders, increases in discharges due to industrial production and/or municipal growth and/or other sources, exceptions from otherwise applicable water quality objectives, etc. (State Antidegradation Guidance, pp. 7-10, Region IX Guidance, pp. 2-3.) Both the state and federal policies apply to point and nonpoint source pollution. (State Antidegradation Guidance p. 6, Region IX Guidance, p. 4.).

The federal antidegradation regulations delineate three tiers of protection for waterbodies. Tier 1, described in 40 CFR § 131.12(a)(1), is the floor for protection of all waters of the United States. (48 Fed. Reg. 51400, 51403 (8 Nov. 1983); Region IX Guidance, pp. 1-2; APU 90-004, pp. 11-12.) It states that “[e]xisting instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected.” Uses are “existing” if they were actually attained in the water body on or after November 28, 1975, or if the water quality is suitable to allow the use to occur, regardless of whether the use was actually designated. (40 CFR § 131.3(e).) Tier 1 protections apply even to those waters already impacted by pollution and identified as impaired. In other words, already impaired waters cannot be further impaired.

Tier 2 waters are provided additional protections against unnecessary degradation in places where the levels of water quality are better than necessary to support existing

uses. Tier 2 protections strictly prohibit degradation unless the state finds that a degrading activity is: 1) necessary to accommodate important economic or social development in the area, 2) water quality is adequate to protect and maintain existing beneficial uses, and 3) the highest statutory and regulatory requirements and best management practices for pollution control are achieved. (40 CFR § 131.12(a)(2).) Cost savings to a discharger alone, absent a demonstration by the project proponent as to how these savings are “necessary to accommodate important economic or social development in the area,” are not adequate justification for allowing reductions in water quality. (Water Quality Order 86-17, p. 22; State Antidegradation Guidance, p. 13.) If the waterbody passes this test and the degradation is allowed, degradation must not impair existing uses of the waterbody. (48 Fed. Reg. at 51403). Virtually all waterbodies in California may be Tier 2 waters since the state, like most states, applies the antidegradation policy on a parameter-by-parameter basis, rather than on a waterbody basis. (APU 90-004, p. 4). Consequently, a request to discharge a particular chemical to a river, whose level of that chemical was better than the state standards, would trigger a Tier 2 antidegradation review even if the river was already impaired by other chemicals.

Tier 3 of the federal antidegradation policy states “[w]here high quality waters constitute an outstanding national resource, such as waters of national and State parks and wildlife refuges and waters of exceptional recreational or ecological significance, that water shall be maintained and protected. (40 CFR § 131.12(a)(3).) These Outstanding National Resource Waters (ONRW) are designated either because of their high quality or because they are important for another reason. (48 Fed. Reg. At 51403; State Antidegradation Guidance, p. 15). No degradation of water quality is allowed in these waters other than short-term, temporary changes. (Id.) Accordingly, no new or increased discharges are allowed in either ONRW or tributaries to ONRW that would result in lower water quality in the ONRW. (EPA Handbook, p. 4-10; State Antidegradation Guidance, p. 15.) Existing antidegradation policy already dictates that if a waterbody “should be” an ONRW, or “if it can be argued that the waterbody in question deserves the same treatment {as a formally designated ONRW},” then it must be treated as such, regardless of formal designation. (State Antidegradation Guidance, pp. 15-16; APU 90-004, p. 4.) Thus the Regional Board is required in each antidegradation analysis to consider whether the waterbody at issue should be treated as an ONRW. It should be reiterated that waters cannot be excluded from consideration as an ONRW simply because they are already “impaired” by some constituents. By definition, waters may be “outstanding” not only because of pristine quality, but also because of recreational significance, ecological significance or other reasons. (40 CFR §131.12(a)(3).) Waters need not be “high quality” for every parameter to be an ONRW. (APU 90-004, p. 4) For example, Lake Tahoe is on the 303(d) list due to sediments/siltation and nutrients, and Mono Lake is listed for salinity/TDC/chlorides but both are listed as ONRW.

The State Board’s APU 90-004 specifies guidance to the Regional Boards for implementing the state and federal antidegradation policies and guidance. The guidance establishes a two-tiered process for addressing these policies and sets forth two levels of analysis: a simple analysis and a complete analysis. A simple analysis may be employed where a Regional Board determines that: 1) a reduction in water quality will be spatially

localized or limited with respect to the waterbody, e.g. confined to the mixing zone; 2) a reduction in water quality is temporally limited; 3) a proposed action will produce minor effects which will not result in a significant reduction of water quality; and 4) a proposed activity has been approved in a General Plan and has been adequately subjected to the environmental and economic analysis required in an EIR. A complete antidegradation analysis is required if discharges would result in: 1) a substantial increase in mass emissions of a constituent; or 2) significant mortality, growth impairment, or reproductive impairment of resident species. Regional Boards are advised to apply stricter scrutiny to non-threshold constituents, i.e., carcinogens and other constituents that are deemed to present a risk of source magnitude at all non-zero concentrations. If a Regional Board cannot find that the above determinations can be reached, a complete analysis is required.

Even a minimal antidegradation analysis would require an examination of: 1) existing applicable water quality standards; 2) ambient conditions in receiving waters compared to standards; 3) incremental changes in constituent loading, both concentration and mass; 4) treatability; 5) best practicable treatment and control (BPTC); 6) comparison of the proposed increased loadings relative to other sources; 7) an assessment of the significance of changes in ambient water quality and 8) whether the waterbody was a ONRW. A minimal antidegradation analysis must also analyze whether: 1) such degradation is consistent with the maximum benefit to the people of the state; 2) the activity is necessary to accommodate important economic or social development in the area; 3) the highest statutory and regulatory requirements and best management practices for pollution control are achieved; and 4) resulting water quality is adequate to protect and maintain existing beneficial uses.

**D. The limitation for acute toxicity is inconsistent with Basin Plan and federal requirements.**

Federal regulations, at 40 CFR 122.44 (d)(1)(i), require that limitations must control all pollutants or pollutant parameters which the Director determines are or may be discharged at a level which will cause, or contribute to an excursion above any State water quality standard, including State narrative criteria for water quality. The Water Quality Control Plan (Basin Plan), Water Quality Objectives for Toxicity is a narrative criteria which states that all waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life. This section of the Basin Plan further states, in part that, compliance with this objective will be determined by analysis of indicator organisms.

The Tentative Permit contains a discharge limitation that allows 30% mortality (70% survival) of fish species in any given toxicity test. The Tentative Permit acknowledges in detail that there is no assimilative capacity in the receiving stream. Allowing 30% mortality in acute toxicity tests allows that same level of mortality in the receiving stream, in violation of federal regulations and contributes to exceedance of the Basin Plan's narrative water quality objective for toxicity. Accordingly, the Order should be revised to prohibit acute toxicity.

- E. The Order fails to contain an effluent limitation for chronic toxicity in violation of Federal regulations, at 40 CFR 122.44 (d)(1)(i), which require that limitations must control all pollutants or pollutant parameters which the Director determines are or may be discharged at a level which will cause, or contribute to an excursion above any State water quality standard, including state narrative criteria for water quality.**

The Water Quality Control Plan (Basin Plan), Water Quality Objectives for Toxicity is a narrative criteria which states that all waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life. An effluent limitation for chronic toxicity must be included in the Order.

- F. The reasonable potential analysis failed to consider oil & grease contrary to Federal Regulations, 40 CFR 122.44 (d)(i), which requires that; “Limitations must control all pollutants or pollutant parameters (either conventional, nonconventional, or toxic pollutants) which the Director determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard, including State narrative criteria for water quality.”**

The reasonable potential analysis fails to evaluate oil and grease despite the fact that water quality standards exist for oil and grease. U.S. EPA’s ambient criteria for the protection of freshwater aquatic life recommends that limitations be established at 0.01 of the lowest continuous flow 96-hour LC50 to several important freshwater and marine species, each having a demonstrated high susceptibility to oils and petrochemicals; surface waters shall be virtually free from floating nonpetroleum oils of vegetable or animal origin, as well as petroleum derived oils. The Basin Plan narrative water quality objective for toxicity allows use of U.S. EPA’s ambient criteria to establish effluent limitations. An effluent limitation must be established for oil and grease. Failure to establish an effluent limitation for oil and grease threatens to violate the Receiving Water limitation which prohibits the discharge from causing: “Oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.” Federal Regulation, 40 CFR 122.4 (a), (d) and (g) require that no permit may be issued when the conditions of the permit do not provide for compliance with the applicable requirements of the CWA, or regulations promulgated under the CWA, when imposition of conditions cannot ensure compliance with applicable water quality requirements and for any discharge inconsistent with a plan or plan amendment approved under Section 208(b) of the CWA.

The reasonable potential analysis failed to consider surfactants contrary to Federal Regulations, 40 CFR 122.44 (d)(i), which requires that; “Limitations must control all pollutants or pollutant parameters (either conventional, nonconventional, or toxic

pollutants) which the Director determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard, including State narrative criteria for water quality.”

The reasonable potential analysis fails to evaluate surfactants despite the fact that water quality standards exist for surfactants. Federal Regulation, 40 CFR 122.4 (a), (d) and (g) require that no permit may be issued when the conditions of the permit do not provide for compliance with the applicable requirements of the CWA, or regulations promulgated under the CWA, when imposition of conditions cannot ensure compliance with applicable water quality requirements and for any discharge inconsistent with a plan or plan amendment approved under Section 208(b) of the CWA.

**G. The reasonable potential analyses failed to consider variability in the effluent contrary to Federal regulations, 40 CFR § 122.44(d)(1)(ii).**

The Discharger is being rewarded for failing to comply with three specific letters from the Regional Board instructing it to conduct two days of effluent and receiving water monitoring for priority pollutants. The Discharger only submitted one day of effluent monitoring for priority pollutants. Fact Sheet, p. 13. The Regional Board should have instituted an enforcement action against the Discharger for failure to submit a complete RWD and failure to comply with the February 2001, May 2001 and February 2002 Regional Board letters. Federal regulations, 40 CFR § 122.44(d)(1)(ii), state “when determining whether a discharge causes, has the reasonable potential to cause, or contributes to an in-stream excursion above a narrative or numeric criteria within a State water quality standard, the permitting authority shall use procedures which account for existing controls on point and nonpoint sources of pollution, the variability of the pollutant or pollutant parameter in the effluent, the sensitivity of the species to toxicity testing (when evaluating whole effluent toxicity), and where appropriate, the dilution of the effluent in the receiving water.” Emphasis added. The reasonable potential analyses for CTR constituents fail to consider the statistical variability of data and laboratory analyses as explicitly required by the federal regulations. The procedures for computing variability are detailed in Chapter 3, pages 52-55, of USEPA’s *Technical Support Document For Water Quality-based Toxics Control*. The reasonable potential analyses should be recalculated using appropriate methodology. The fact that the SIP illegally ignores this fundamental requirement does not exempt the Regional Board from its obligation to consider statistical variability in compliance with federal regulations.

**5. THE MANNER IN WHICH THE PETITIONERS ARE AGGRIEVED.**

CSPA is a non-profit, environmental organization that has a direct interest in reducing pollution to the waters of the Central Valley. CSPA’s members benefit directly from the waters in the form of recreational hiking, photography, fishing, swimming, hunting, bird watching, boating, consumption of drinking water and scientific investigation. Additionally, these waters are an important resource for recreational and commercial fisheries.

Central Valley waterways also provide significant wildlife values important to the mission and purpose of the Petitioners. This wildlife value includes critical nesting and feeding grounds for resident water birds, essential habitat for endangered species and other plants and animals, nursery areas for fish and shellfish and their aquatic food organisms, and numerous city and county parks and open space areas.

CSPA's members reside in communities whose economic prosperity depends, in part, upon the quality of water. CSPA has actively promoted the protection of fisheries and water quality throughout California before state and federal agencies, the State Legislature and Congress and regularly participates in administrative and judicial proceedings on behalf of its members to protect, enhance, and restore declining aquatic resources.

CSPA member's health, interests and pocketbooks are directly harmed by the failure of the Regional Board to develop an effective and legally defensible program addressing discharges to waters of the state and nation.

**6. THE SPECIFIC ACTION BY THE STATE OR REGIONAL BOARD WHICH PETITIONER REQUESTS.**

Petitioners seek an Order by the State Board to:

- A. Vacate Order No. R5-2006-???? (NPDES No. CA0081485) and remand to the Regional Board with instructions prepare and circulate a new tentative order that comports with regulatory requirements.

**7. A STATEMENT OF POINTS AND AUTHORITIES IN SUPPORT OF LEGAL ISSUES RAISED IN THE PETITION.**

CSPA's arguments and points of authority are adequately detailed in the above comments, its 28 August 2006 letter that was accepted into the record and its oral testimony presented to the Regional Board on 21 September 2006. Should the State Board have additional questions regarding the issues raised in this petition, CSPA will provide additional briefing on any such questions.

The petitioners believe that an evidentiary hearing before the State Board will not be necessary to resolve the issues raised in this petition. However, CSPA welcomes the opportunity to present oral argument and respond to any questions the State Board may have regarding this petition.

**8. A STATEMENT THAT THE PETITION HAS BEEN SENT TO THE APPROPRIATE REGIONAL BOARD AND TO THE DISCHARGERS, IF NOT THE PETITIONER.**

A true and correct copy of this petition, without attachment, was sent electronically and by First Class Mail to Ms. Pamela Creedon, Executive Officer,

Regional Water Quality Control Board, Central Valley Region, 11020 Sun Center Drive #200, Rancho Cordova, CA 95670-6114.

A true and correct copy of this petition, without attachment, was sent to the Discharger in care of Mr. Dave Mata, President, Board of Directors, Cutler-Orosi Joint Powers Wastewater Authority, 40401 Road 120, Cutler, CA 93615 and Mr. Dennis Keller, District Engineer, Cutler-Orosi Joint Powers Wastewater Authority, 209 Locust Street, Visalia, CA 93291.

9. A STATEMENT THAT THE ISSUES RAISED IN THE PETITION WERE PRESENTED TO THE REGIONAL BOARD BEFORE THE REGIONAL BOARD ACTED, OR AN EXPLANATION OF WHY THE PETITIONER COULD NOT RAISE THOSE OBJECTIONS BEFORE THE REGIONAL BOARD.

CSPA presented the issues addressed in this petition to the Regional Board in oral testimony at the 21 September 2006 hearing on the Order or in comments submitted to the Regional Board on 28 August 2006 that were accepted into the record.

If you have any questions regarding this petition, please contact Bill Jennings at (209) 464-5067 or Michael Lozeau at (510) 749-9102.

Dated: 21 October 2006

Respectfully submitted,



Bill Jennings, Executive Director  
California Sportfishing Protection Alliance

Attachments: None. Waiting for a copy of the adopted order.